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Attorney for Defendant
MICHAEL TOMADA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CR-14-0285 JST
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	VACATING STATUS CONFERENCE DATE
vs.)	AND SETTING NEW DATE FOR FURTHER
)	<u>STATUS CONFERENCE</u>
JEREMY DONAGAL, et al.,)	
)	
Defendants.)	
)	
)	
)	

The United States of America, by its attorneys, Brian Stretch, Acting United States Attorney, and Assistant United States Attorney ("AUSA") Kevin Barry, and defendant MICHAEL TOMADA, by his attorney, Peter Goodman, hereby submit this Stipulation and [Proposed] Order requesting that the February 19, 2016, date that is currently set for the defendant to appear before this Court for a status conference be vacated and his case be continued to March 25, 2016, at 9:30 a.m. in San Francisco for a further Status Conference.

The parties hereby stipulate and agree to the following:

1. On May 22, 2014, an eleven count indictment was returned in this matter against seven defendants, including defendant TOMADA. Counts I and III respectively charge the defendant with conspiring to possess and possessing with the intent to

1 distribute alprazolam and other controlled substances in violation of 21 U.S.C. §§846
2 and 841(a)(1).

3 2. This matter was last before the Court on November 6, 2015. At that time,
4 defense counsel stated his intention to seek the defendant's medical records and the
5 court records related to the defendant's prior convictions which date back to 1972 to
6 provide AUSA Barry with a complete picture of the defendant in order to facilitate an
7 appropriate disposition of the case. The matter was set for a further status conference
8 on December 18, 2015.

9 3. Prior to that date, defense counsel submitted a Stipulation and Proposed
10 Order requesting additional time to obtain the defendant's medical and court records.
11 A further status conference was then set for February 19, 2016.

12 4. Defense counsel was recently reminded by the staff at his physician's
13 office that February 19, 2016, at 9:30 a.m., is the date and time of his annual physical
14 examination. Owing to his physician's schedule, that appointment cannot be moved
15 and the next available date would be many months away. Defense counsel has also
16 requested but not yet received all of the defendant's medical records and court records.
17 Finally, defense counsel was informed by AUSA Barry on February 16, 2016, that he
18 has received additional text messages between defendant TOMADA and defendant
19 DONAGAL which he will be providing shortly on a disk. For all of these reasons, the
20 parties are jointly proposing that the status conference set for February 19, 2016, be
21 continued to March 25, 2016, at 9:30 a.m. in San Francisco when defense counsel is
22 scheduled to appear before this Court in the matter of *United States v. Dennis Harrell*,
23 CR-96-0157 JST.

24 5. The parties further stipulate and agree that time be excluded under the
25 Speedy Trial Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from February
26 19, 2016, to March 25, 2016, to provide defense counsel additional time to obtain and
27 review new discovery in the case and that the exclusion of time agreed to herein by
28 the parties is in the interests of justice and will serve to ensure effective assistance of

1 counsel for defendant TOMADA.

2 SO STIPULATED

3 DATED: February 17, 2016

4 BRIAN STRETCH
United States Attorney

5
6 By: /s/
KEVIN BARRY
Assistant United States Attorney

8
9 SO STIPULATED

10 DATED: February 17, 2016

11 /s/
12 PETER GOODMAN
Attorney for Defendant
13 MICHAEL TOMADA

14 ORDER VACATING STATUS CONFERENCE DATE AND
15 SETTING NEW DATE FOR FURTHER STATUS CONFERENCE

16 Based on the stipulation of the parties and good cause appearing therefor,
17 IT IS HEREBY ORDERED that the February 19, 2016, date currently set for defendant
18 TOMADA to appear before this Court for a status conference is vacated and the matter
19 is continued to March 25, 2016, at 9:30 a.m. in San Francisco for a further status
20 conference. IT IS FURTHER ORDERED that time shall be excluded under the Speedy
21 Trial Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) from February 19,
22 2016, through February 19, 2016, in the interests of justice and to ensure effective
23 assistance of counsel. The Court finds that the ends of justice served by granting the
24 continuance outweigh the best interests of the public and the defendant in a speedy trial.

25 DATED:

26
27 JON S. TIGAR
28 UNITED STATES DISTRICT COURT JUDGE